

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

JOHN JOSEPH BARCI,

*Plaintiff,*

v.

TIMOTHY HILL CHILDREN'S RANCH,  
INC.; TIMOTHY HILL FARM LLC;  
APPLE DAY CAMP, INC.;  
TIMOTHY HILL CHRISTIAN CAMP, INC.;  
JERRELL HILL, in his official and individual  
capacity;  
FERN HILL, in her official and  
individual capacity;  
RUSTY DOE, in his  
official and individual capacity, whose identity  
is presently unknown to the Plaintiff;  
JUDY DOE, in her official and individual  
capacity, whose identity is presently unknown  
to the Plaintiff;  
THOMAS RAY KELSO, in his  
official and individual capacity;  
PATRICIA KELSO HOBART, in her official  
and individual capacity;  
JOHN DOE 1-10, MEMBERS OF THE  
BOARD OF TRUSTEES OF TIMOTHY  
HILL CHILDREN'S RANCH, INC., in their  
official and individual capacities, whose  
identities are presently unknown to Plaintiff;  
R.M.; AND RICHARD ROE 1-10,  
in their official and individual capacities,

*Defendants.*

Index No.

**SUMMONS**

To the above-named defendants:

You are hereby summoned and required to serve upon plaintiff's attorneys an answer to the Complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In the case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Plaintiff designates Suffolk County as the place of trial. The basis of venue is defendant Timothy Hill Children's Ranch, Inc.'s, principal place of business.

Dated: New York, New York  
November 6, 2019

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FREEMAN & HERZ LLP



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**Defendant's Addresses:**

**Timothy Hill Children's Ranch, Inc.**

Executive Director: Thaddaeus Hill,  
298 Middle Road  
Riverhead, New York, 11901

**Jerrell & Fern Hill**

356 Middle Rd  
Riverhead, New York 11901

**Thomas Ray Kelso**

205 Hermitage Drive  
Searcy, Arkansas 72143

**Patricia Kelso Hobart**

6301 Dublin Drive  
Garland, TX 75044

**Rusty & Judy Doe**

Unknown at this time

**John Does 1-10, Members of the Board of Trustees of Timothy Hill Children's Ranch, Inc.**

Unknown at this time

**Richard Roe 1-10**

Unknown at this time

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**VERIFIED COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff John Joseph Barci, by his attorneys Wolf Haldenstein Adler Freeman & Herz LLP, brings this action against Timothy Hill Children's Ranch, Inc. ("THCR"); Timothy Hill Farm LLC; Apple Day Camp, Inc.; Timothy Hill Christian Camp, Inc.; Co-founders Jerrell Hill and Fern Hill in their official and individual capacities; Rusty Doe, in his official and individual capacity, whose identity is presently unknown to the Plaintiff, Judy Doe, in her official and

individual capacity, whose identity is presently unknown to the Plaintiff; Thomas Ray Kelso, in his official and individual capacity; Patricia Kelso Hobart, in her official and individual capacity; John Doe 1-10, members of the Board of Trustees of THCR in their official and individual capacities, whose identities are presently unknown to Plaintiff; R.M., and Richard Roe 1-10, in their official and individual capacities, whose identities are presently unknown, hereby alleging, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

### INTRODUCTION

1. This is an action pursuant to The Child Victims Act (enacted on February 14, 2019), in which the New York State Governor and Legislature approved legislation that amended the New York CPLR by, *inter alia*, adding CPLR 214-g, which revives sexual abuse actions (involving both intentional conduct and negligence) that were previously time-barred under New York law. All of the claims asserted by Plaintiff in this action are thus revived and timely asserted.

2. In 1976, Defendant Jerrell Hill and his wife, Fern Hill, founded the Timothy Hill Children's Ranch in honor of their late son. That same year, a Certificate of Incorporation for Defendant THCR was filed with the State of New York. THCR currently operates as a not-for-profit corporation. The ranch is located in the Town of Riverhead, Suffolk County, New York.

3. By 1979, Defendant THCR had plans in place to build six residential units and an administration unit. Funding for the land acquisition and construction was coming "exclusively from private sources". (East End Business Campaign and Timothy Hill Children's Ranch's Letter to the Editor, The Hamptons Exchange, Nov. 23, 1979) (Attached as Exhibit A).

4. The ranch began operating in 1980. From the beginning of operations, THCR operated the ranch as a group home under the auspices of using “Christ-centered values” to help restore “abused and neglected boys”. (Fern Hill, *Graduation to Glory*, Star Bible Publication, 6<sup>th</sup> Edition, 2000).

5. On or about 1981, at the approximate age of 12, Plaintiff began residing at the ranch.

6. During his time at the ranch, Defendants’ negligent and inadequate supervision created a culture of lawlessness, resulting in the Plaintiff being physically, emotionally, and sexually abused by the older residents at the ranch.

7. On multiple occasions, Plaintiff reported sexual and physical abuse to ranch employees. The trauma and humiliation Plaintiff suffered as a result of the abuse was further exacerbated by Defendants’ failure to investigate and stop the abuse. Plaintiff’s reports of the abuse to THCR staff were routinely brushed off and ignored.

8. Plaintiff has, over the years, suffered from emotional and psychological trauma as a result of the abuse he suffered while in the custody of the ranch and the ranch staff’s negligent response to the abuse.

#### **JURISDICTION AND VENUE**

9. This Court has personal jurisdiction over the Defendants Jerrell Hill, Fern Hill, R.M., Timothy Hill Children’s Ranch, Inc., Timothy Hill Farm LLC and Apple Day Camp, Inc., pursuant to CPLR 301 and 302, in that the Defendants reside in New York.

10. This Court has personal jurisdiction over the Defendants Rusty Doe, Judy Doe, Thomas Ray Kelso, Patricia Kelso, R.M., John Does 1-10 and Richard Roe pursuant to CPLR 302 in that Defendants committed the acts described here within the state of New York.

11. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

12. Venue for this action is proper in the County of Suffolk pursuant to CPLR 503 in that a number of Defendants reside in, or maintain a principal place of business in this County and a substantial part of the events and omissions giving rise to the claims occurred in this County.

### **PARTIES**

13. Plaintiff John Joseph Barci ("Plaintiff") is an adult individual residing in the State of New York.

14. Defendant THCR is and at all material times has been, a corporation organized and existing under the laws of the State of New York, with its principal office at 298 Middle Road, Riverhead, Suffolk County, New York.

15. Over the years since its formation, the ranch has also been managed, directed, and controlled by Timothy Hill Farm, LLC; Apple Day Camp, Incorporated; and Timothy Hill Christian Camp, Inc.

16. Defendants Jerrell Hill and Fern Hill ("Jerrell" and "Fern") are the co-founders of the ranch located at the above-mentioned address.

17. At all material times, Jerrell was the Executive Director of THCR. He resides, upon information and belief, in the State of New York.

18. Prior to founding the ranch, Jerrell was a minister of the Riverhead Church of Christ.

19. At all material times, Fern assisted with the ranch's administrative fundraising efforts and the implementation of the ranch's mission of promoting Christ-centered values. As is described herein, these values included an endorsement for corporal punishment. Fern resides, upon information and belief, in the State of New York.

20. The ranch has on occasion been referred to as the Timothy Hill Children's Ranch of Church of Christ.

21. Defendant Rusty Doe ("Rusty") was, at all material times, an employee at the ranch whose nickname was "Rusty" and whose primary responsibilities included residing with, and supervision of, the resident boys at the ranch. At this time, Plaintiff has not yet uncovered the identity of Rusty Doe.

22. Defendant Judy Doe ("Judy") was, at all material times, an employee at the ranch who was known as "Judy" and whose primary responsibilities included residing with and supervision of the resident boys at the ranch. At this time, Plaintiff has not yet uncovered the identity of Judy Doe.

23. Defendant Thomas Ray Kelso ("Thomas Kelso") was, at all material times, an employee at the ranch whose primary responsibilities included residing with and supervision of the resident boys at the ranch.

24. Defendant Patricia Kelso Hobart ("Patricia Kelso") was, at all material times, an employee at the ranch whose primary responsibilities included residing with and supervision of the resident boys at the ranch.

25. At this time Plaintiff has not yet uncovered the identities of all material and/or implicated THCR directors and/or employees during the material times and has reserved rights to name them as their identities become known by naming Richard Roe 1-10.

26. Defendants John Doe 1-10 (“THCR Board of Trustees”), are or were various members of the THCR Board of Trustees, from various times – from 1980 to present – and/or upon information and belief, agents, fiduciaries, servants, and/or employees of Defendant THCR.

27. Defendant R.M. was a resident at the ranch and, upon information and belief, was a minor at the time he was in the custody of THCR. Thus, he will be referred to by initials.

### **RELATIONSHIP BETWEEN THE PARTIES**

28. At all relevant times, the ranch was closely managed, directed, and controlled by Defendants THCR, THCR Board of Trustees, Jerrell and Fern.

29. At all relevant times, Defendants THCR and the THCR Board of Trustees, had oversight, control and autonomy over the appointment and hiring and firing decisions of all staff and social workers at the ranch.

30. At all relevant times, Defendant THCR managed, supervised, employed, directed and/or controlled employees assigned to work at the ranch, including Richard Roe 1-10.

31. At all relevant times, Defendants Richard Roe 1-10 were agents, managers, directors, or employees of Defendant THCR.

32. At all relevant times, Defendants Jerrell and Fern had oversight, control, and autonomy over the appointment and hiring and firing decisions of all supervisors and employees of Defendant THCR.

33. As stated above, THCR was established in 1976 by Defendants Jerrell and Fern under the auspices of using “Christ-centered values” to help restore “abused and neglected boys.” However, despite these aims, the ranch’s management style and ideology endorsed and utilized corporal punishment. For example, in her book about her deceased thirteen-year-old son, Timothy Hill, Defendant Fern describes threatening to whip a two-year old Timothy with a



belt in order to discipline him for emptying a bag of potato chips on the ground. (Fern Hill, *Graduation to Glory*, Star Bible Publication, 6<sup>th</sup> Edition, 2000, p.49). Similarly, Defendant Fern recounts a four-year old Timothy's confusion as to why she hit him, and her later pride when he told friends that Fern "whipped me because she loved me..." (Fern Hill, *Graduation to Glory*, Star Bible Publication, 6<sup>th</sup> Edition, 2000, p.29).

### FACTS COMMON TO ALL CLAIMS

#### The Ranch

34. During the times relevant to the allegations set forth herein, Defendant THCR was responsible for overseeing, managing, controlling, directing and operating the ranch.

35. By 1979, the ranch was licensed by the State of New York to house "dependent, neglected and abused children". (East End Business Campaign and Timothy Hill Children's Ranch's Letter to the Editor, The Hamptons Exchange, Nov. 23, 1979).

36. During the times relevant to the allegations set forth therein, Defendant THCR housed these male children at the ranch on a temporary basis. The majority of the resident male children were placed in a single multi-dwelling house (the "House") on the premises of the ranch.

#### Background

37. Plaintiff was 12 years old when he began residing at the ranch on or about the year 1981. At the time Plaintiff resided at the ranch, there were approximately ten boys who lived in the same house as he did.

38. The entire time Plaintiff was residing at the ranch, he was assigned to reside specifically within the House.

39. Because some of the boys living at the ranch were minors in the custody of THCR, the boys who lived at the ranch with Plaintiff will be referred to by initials. The resident boys residing at the Ranch during the period that Plaintiff was a resident include:

- a. Defendant R.M. ("R.M."), upon information and belief, was approximately 17 years old when Plaintiff arrived at the ranch
- b. Resident M.H. ("M.H."), upon information and belief, was approximately 17 years old when Plaintiff arrived at the ranch.
- c. Resident J.S. ("J.S."), upon information and belief, was approximately 17 years old when Plaintiff arrived at the ranch.
- d. Resident L.V. (L.V.), upon information and belief, was approximately 15 years old when Plaintiff arrived at the ranch.
- e. Resident K.F. (K.F.).
- f. Resident B.A. (B.A.), upon information and belief, was approximately 12 years old when Plaintiff arrived at the ranch.

40. Relative to the other residents of the ranch, Plaintiff was one of the smallest and youngest residents.

41. The THCR employees who worked at the ranch during the period Plaintiff was a resident included:

- a. Defendants Rusty and Judy, who were live-in house parents at the House at the beginning of Plaintiff's stay at the ranch. Sometime thereafter, Rusty and Judy ceased working and living at the ranch.

- b. Defendants Thomas Kelso and Patricia Kelso, who became live-in house parents at the House after Defendants Rusty and Judy left the ranch, and remained so for the remainder of Plaintiff's stay at the ranch.
  - c. Eugene Nettlebe, a staff member who lived at the ranch.
42. During the times relevant to the allegations set forth herein, the House consisted of a first floor and a basement connected by a staircase.
43. During the times relevant to the allegations set forth herein, the first floor of the House contained multiple bedrooms for the resident boys, and personal living quarters for the house parents assigned to the House.
44. Thus, Defendants Rusty and Judy, and subsequently Defendants Thomas Kelso and Patricia Kelso, lived on the same floor as the resident children.

**“Welcome to the Ranch” - A Night of Violence for the Plaintiff**

45. For Plaintiff's first few nights at the ranch, Plaintiff was assigned to sleep in a shared room with J.S.
46. After these first few nights, Plaintiff was assigned to a single occupancy room adjacent to the house parents' living quarters. At that time, the house parents were Defendants Rusty and Judy.
47. Plaintiff would occupy this room for the remainder of his time at the ranch.
48. On the Plaintiff's first night sleeping alone, Plaintiff was dragged out of bed by a group of other residents and then dragged outside. Because Plaintiff had been asleep in bed, he was only wearing his underwear. Plaintiff attempted to cry out, but residents muffled his voice by stuffing his mouth with an article of clothing.

49. Once outside, these residents punched and kicked Plaintiff, and also threw snowballs and ice at him. During this ordeal, one or more of the residents stated several menacing phrases and commands, including along the lines of: “Welcome to the ranch, this is how we do it”, “you don’t tell anybody”, and “you do as you’re told”.

50. Plaintiff was eventually left alone outside in the winter cold in his underwear, and was locked out of the building by the residents who had assaulted him.

51. Plaintiff banged on the front and back doors of the building for a while. No residents or ranch staff responded.

52. Plaintiff then banged on the window of Defendants Rusty and Judy’s bedroom. Defendant Judy opened the house door and allowed Plaintiff to enter. Defendant Judy asked Plaintiff what he was doing outside. Plaintiff reported what had happened, but Defendant Judy replied that Plaintiff must have been sleepwalking.

53. Defendants Rusty and Judy did nothing in response to Plaintiff’s report.

#### **Physical Violence and a Lack of Supervision at the Ranch**

54. From the beginning of Plaintiff’s time in THCR’s custody, inadequate supervision of residents by staff was the rule of the ranch. The result was bullying and physical violence between the residents that became routine for the entire period Plaintiff resided there.

55. Plaintiff was subjected to the above-described night-time dragging-and-beatings at least weekly.

56. Defendant R.M. and M.H. were some of the oldest residents in the House. One or both of them were frequently involved in the above assaults. During these ordeals, the residents involved would call Plaintiff derogatory names, including “crybaby” and “little pussy.”

57. These assaults were targeted at the youngest, hence smallest, and most vulnerable residents. They occurred so frequently that Plaintiff and another resident close to his age, B.A., would attempt to hide in each other's closets to avoid being dragged outside, and would let each other back into the house after the other was left beaten and locked outside.

58. In addition to the nighttime draggings and beatings, Plaintiff was also subjected to random physical violence from M.H. M.H., at random and without reason, punched and slapped Plaintiff on numerous occasions, generally after dinnertime. M.H. would also regularly threaten Plaintiff with comments such as "We're going to get you, Booty." "Booty," a well-known slang term for buttocks, was a derogatory nickname M.H. used to refer to the Plaintiff.

59. As part of their time at the ranch, the residents were required to perform farm work. Inadequate supervision during these tasks led to an occasion where M.H. threw a farm tool into a horse stall and ordered Plaintiff to retrieve it. Plaintiff entered the horse stall, after which one of the residents closed the horse stall gate shut, locking Plaintiff in the stall.

60. Resident boys then threw rocks at the horse in attempts to get the horse to kick out in anger.

61. Plaintiff avoided drawing the horse's attention by staying immobile in a corner. Regardless, this incident was extremely frightening for Plaintiff, and also exposed him to potentially life-threatening injury.

62. Other residents would frequently engage in physical fights on the ranch premises. Ranch staff, when they witnessed these fights, often did not intervene. For example, on approximately three occasions, Defendant Rusty and/or Defendant Judy, upon witnessing a physical fight between residents, simply said words to the effect of "Go outside and take care of it yourself."

63. On various occasions, M.H. and Defendant R.M. would be left in charge of the other residents while the house parents were out of the building (even though M.H. and Defendant R.M. were themselves residents). This effectively gave M.H. and Defendant R.M. a free pass to bully and abuse the other, younger, residents.

64. In addition to the above, the ranch's negligent and inadequate supervision gave Defendant R.M. open access and a free pass to repeatedly sexually assault Plaintiff throughout his time at the ranch.

### **Nighttime Sexual Abuse at the Ranch**

65. During the tenure of both sets of house parents, first Defendants Rusty and Judy, then later Defendants Thomas Kelso and Patricia Kelso, Plaintiff was subjected to incidents of sexual abuse by Defendant R.M. The ranch staff's inadequate supervision during both day and nighttime within the House enabled this pattern of sexual abuse by Defendant R.M. Furthermore, ranch staff failed to respond appropriately even when Plaintiff reported constant nighttime harassment by Defendant R.M.

66. During the nighttime "lights out" period, the house parents locked themselves in their living quarters and there was essentially no supervision inside the House.

67. On multiple occasions, Defendant R.M. entered Plaintiff's bedroom at night, after "lights out", in order to sexually assault Plaintiff. During these entries, Defendant R.M. often put a towel over the light near Plaintiff's bed.

68. On the first such occasion, Plaintiff awoke to see Defendant R.M. standing over him while partially naked. Defendant R.M. then covered Plaintiff's mouth and sat on top of him. Terrified, Plaintiff banged on his wall, which was adjacent to the house parents living quarters.

Eventually, the house parents came to Plaintiff's room, by which point Defendant R.M. had fled Plaintiff's room. Plaintiff told them what had happened, but they dismissed it as a nightmare.

69. Defendant R.M. continued to enter Plaintiff's room at night on three to four occasions a week. Each time, Defendant R.M. was partially undressed and, on a number of occasions, Defendant R.M. placed his penis into Plaintiff's mouth while he was asleep. Defendant R.M. whispered things such as "don't worry about it" and "you're dreaming." Each time, when Plaintiff awoke, he cried out and called for help or if Defendant R.M. prevented him from doing so, Plaintiff then banged on his wall. Often time, by the time the house parents and/or other residents came to Plaintiff's room in response to the noise, Defendant R.M. had already left the Plaintiff's room.

70. On a number of occasions, Plaintiff detailed the above sexual abuse to the house parents. However, both sets of house parents – Defendants Rusty and Judy and Defendants Thomas Kelso and Patricia Kelso – ignored and dismissed Plaintiff's reports by stating, for example, that Plaintiff had been dreaming or calling Plaintiff a liar.

71. On at least three occasions, Defendant Thomas Kelso responded to Plaintiff's cries for help and arrived to Plaintiff's room when Defendant R.M. was still in Plaintiff's room with the towel still covering the light.

72. On at least one occasion, Plaintiff stated to Defendant Thomas Kelso that Defendant R.M. repeatedly comes into Plaintiff's room to try to touch him.

#### **Additional Sexual Abuse under the Ranch's Watch**

73. The basement of the House contained a TV with a seating area as well as gym equipment.

74. On approximately three to four occasions, while Plaintiff and B.A. sat in the basement watching TV, Defendant R.M. approached Plaintiff and B.A. and grabbed their testicles and squeezed them. Plaintiff tried to scream and yell as best as he could. Once Defendant R.M. let Plaintiff and B.A. go, he threatened if they told anyone, he would come into their rooms at night.

75. On approximately three to four occasions, while Plaintiff was in the gym area of the basement, Defendant R.M. snuck up behind him and grabbed his crotch, causing Plaintiff pain.

76. On approximately ten occasions, Defendant R.M. opened the shower curtains while Plaintiff was showering to look at Plaintiff. On some of these occasions, Defendants Rusty and/or Judy and, later in the Plaintiff's stay at the House, Defendants Thomas Kelso and/or Patricia Kelso, came into the bathroom and told Defendant R.M. to leave Plaintiff alone. However, they never took further steps to protect Plaintiff, despite Plaintiff's complaints of what Defendant R.M. would do during the night.

77. Eventually, Defendant R.M. was removed from the ranch.

#### **Negligent Exposure to Harm by the Staff's Own Actions**

78. THCR Employee Eugene Nettlebe, on occasion, commanded the resident boys to dig holes in the farm fields, despite the ground being frozen and the boys not being equipped with gloves. When resident boys disobeyed commands, Eugene Nettlebe engaged in physical discipline, such as throwing resident boys against walls.



**Trip with Jerrell Hill**

79. On or about July 1982, around the time of Plaintiff's birthday, Defendant Jerrell asked Plaintiff if he wanted to take a car ride for the Plaintiff's birthday. Defendant Jerrell told Plaintiff that Defendant Jerrell had obtained permission from Plaintiff's mother to take him.

80. Plaintiff agreed to go with Defendant Jerrell. The vehicle that Defendant Jerrell drove for this trip included a front bench seat.

81. During the trip, Defendant Jerrell told Plaintiff to slide on said bench seat next to him. Then Defendant Jerrell suggested that Plaintiff put Plaintiff's head on his shoulder and his lap.. Defendant Jerrell repeatedly rubbed Plaintiff's back and shoulders and then Plaintiff's upper left thigh.

**Defendants Are Responsible for Damage Suffered by Plaintiff**

82. At all material times, Defendants were under the management, supervision, employ, direction and/or control of Defendant THCR.

83. At all material times, the ranch was and is closely managed, directed, and controlled by THCR.

84. Upon information and belief, Defendant THCR at no time implemented rules, regulations or policies concerning or addressing either sexual abuse, physical abuse or the reporting thereof.

85. Over the years since 1980, the ranch has also been managed, directed, and controlled by Timothy Hill Farm, LLC; Apple Day Camp, Incorporated; and Timothy Hill Christian Camp, Inc.

86. Defendant THCR, through its employees, knew, and/or reasonably should have known, and/or knowingly condoned, the inappropriate and unlawful sexual activities occurring at the ranch.

87. In addition, Defendant THCR, through its employees, should have investigated Plaintiff's reports of abuse by R.M. and taken steps to prevent its reoccurrence.

88. Plaintiff has suffered psychological injury and damage as a result of the Defendants' conduct described above.

89. As a direct and proximate result of Defendants' conduct described herein, Plaintiff has suffered severe psychological distress. As a victim of the sexual and physical abuse allowed by the Defendants, Plaintiff is unable at this time to fully describe the full extent of the harm he has suffered as a result of the sexual abuse.

## **CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION**

#### **Negligent Supervision and Oversight**

**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

90. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

91. At all material times, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 owed duties to Plaintiff to adequately supervise the persons placed in their care at the ranch and to ensure that the persons placed in their care at the ranch would be kept reasonably safe. This included a duty to ensure the residents did not engage in unlawful sexual conduct or physical violence.

92. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached the duties set out above by failing to exercise reasonable care in supervising the residents of the ranch.

93. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached the duties set out above by failing to take reasonable measures in response to Plaintiff's repeated reports to Defendants Rusty, Judy, Thomas Kelso and/or Patricia Kelso of physical and sexual abuse.

94. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 also breached the duties set out above by carelessly and negligently ignoring the circumstances of Plaintiff at the ranch, including the age and size difference between Plaintiff and the rest of the residents, and the corresponding lowered capacity of the Plaintiff to provide for his own safety.

95. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached the duties set out above through the complete absence of adequate security or supervisory measures at night and on ranch premises despite Plaintiff's reports to Defendants Rusty, Judy, Thomas Kelso and/or Patricia Kelso of physical and sexual abuse.

96. As a result of the above described breaches of duties by Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell,

Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 to supervise and keep safe the residents of the ranch, Plaintiff was sexually abused on a number of occasions by a fellow resident of the ranch, Defendant R.M. R.M.'s conduct would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

97. Plaintiff has suffered injury as a result of the sexual abuse by Defendant R.M. Plaintiff's injury was a direct and proximate case of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breaches of duties to supervise and keep safe the residents of the ranch, as set out above.

98. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breaches of duties to supervise and keep safe the residents of the ranch were so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

99. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**SECOND CAUSE OF ACTION****Negligence/Gross Negligence**

**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

100. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

101. At all material times, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 owed duties to Plaintiff to ensure that minor children in its care, supervision and control, including Plaintiff, were adequately supervised and kept physically safe. This included duties to prevent foreseeable injuries, as well as to promptly and effectively investigate and prevent from repetition any allegations and/or incidents of physical and/or sexual abuse.

102. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached the duties set out above, because they knew and/or ought to have known that the supervision of its residents was so inadequate as to allow for physical and sexual abuse to happen.

103. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached the duties set out above by ignoring, disregarding and failing to investigate Plaintiff's repeated reports of sexual abuse by Defendant R.M. R.M.'s conduct would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

104. As a result of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10's breaches of duties owed to Plaintiff set out above, Plaintiff was sexually abused on a number of occasions by a fellow resident of the ranch, Defendant R.M. R.M.'s conduct would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

105. Plaintiff has suffered injury as a result of the sexual abuse by Defendant R.M. Plaintiff's injury was a direct and proximate cause of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10's breaches of duties set out above.

106. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10's breaches of the duties set out above were so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

107. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**THIRD CAUSE OF ACTION****Negligent Failure to Report**

**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

108. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

109. At all material times, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, collectively and individually, owed a statutory duty under the Social Services Law to report suspected child abuse or maltreatment when acting in a professional or official capacity.

110. At all material times, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, collectively and individually, carelessly and negligently failed to adequately respond to Plaintiff's reports of physical and sexual abuse, despite there being more than enough reasonable cause to suspect child abuse or maltreatment.

111. Despite Plaintiff's complaints of abuse by other residents of the ranch, and in particular the sexual abuse by R.M., which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law, Defendants Rusty, Judy, Thomas Kelso, Patricia Kelso, and Richard Roe 1-10 never reported the abuse.

112. At all material times, Defendants Rusty, Judy, Thomas Kelso, Patricia Kelso, and Richard Roe 1-10's acts and omissions pertaining to their reporting obligations as child care workers fell under their duties as employees of Defendant THCR.

113. At all material times, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern and THCR Board of Trustees exercised direct or indirect control over, Defendants Rusty, Judy, Thomas Kelso, Patricia Kelso, and Richard Roe 1-10's activities.

114. As a direct and proximate result of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10's negligent failures to report, Plaintiff continued to suffer physical, emotional and sexual abuse at the ranch. This includes sexual abuse by R.M. which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

115. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10's failures to report were so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

116. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are liable to the Plaintiff, jointly, severally and/or in the alternative, for both compensatory damages and for punitive damages, together with interest and costs.



**FOURTH CAUSE OF ACTION****Negligent Failure to Provide a Safe and Secure Environment**

**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

117. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

118. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 had a duty to Plaintiff to provide a safe and secure environment for the residents in their care, supervision and control and to exercise the same degree of care and supervision over those residents as a reasonably prudent parent would have exercised under similar circumstances. It was reasonably foreseeable that residents may be subjected to sexual assault by other residents.

119. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached that duty by failing to take reasonable steps to provide a safe and secure environment for residents of the ranch, including by failing to provide adequate supervision and failing to investigate Plaintiff's complaints of sexual abuse.

120. As a result of the above described breach of duty by Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, Plaintiff was sexually abused by Defendant R.M. on repeated occasions and has suffered injury as a result. The sexual abuse of the Plaintiff by R.M. would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

121. Had Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 taken reasonable steps to ensure residents were adequately supervised, and investigated Plaintiff's repeated reports of sexual abuse by Defendant R.M., Plaintiff's injury could have been prevented in whole or in part.

122. The above described breach of duty by Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

123. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**FIFTH CAUSE OF ACTION**  
**Negligent Infliction of Emotional Distress**  
**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

124. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

125. As described above, the actions of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 were conducted in a negligent and/or grossly negligent manner.

126. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 acted in a manner that endangered Plaintiff's safety and caused him to fear for his own safety. In particular, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 failed to investigate and prevent sexual abuse of the Plaintiff by Defendant R.M. The sexual abuse by Defendant R.M. would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

127. As a direct and proximate cause of the actions and/or inactions, which included but were not limited to negligent and/or grossly negligent conduct, of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

128. The actions and/or inactions of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 described above were so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

129. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in

the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**SIXTH CAUSE OF ACTION**

**Breach of Duty *in Loco Parentis***

**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

130. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

131. While he was a minor, Plaintiff was entrusted to the control and supervision of Defendant THCR and THCR Board of Trustees and/or Defendants Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc.

132. During the times that Plaintiff was entrusted to Defendants THCR, and THCR Board of Trustees (and/or Defendants Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc.), Defendant THCR's employees and agents, including Defendants Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso and Richard Roe 1-10 were under the supervision and control of Defendant THCR. All these Defendants owe – and owed – a duty to children entrusted to them to act in loco parentis and to prevent foreseeable injuries.

133. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached their duty to act in loco parentis. In particular, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 failed to investigate and prevent sexual abuse of the Plaintiff by Defendant R.M. The sexual abuse by Defendant R.M. would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

134. As a direct result of the conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, Plaintiff has suffered the injuries and damages described herein.

135. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 breached their duty to act in loco parentis in a manner that was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

136. By reason of the foregoing Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

#### **SEVENTH CAUSE OF ACTION**

##### **Intentional Infliction of Emotional Distress**

**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

137. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

138. As described above, the actions Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 were conducted in a manner that was negligent and/or grossly negligent to an extreme and outrageous extent.

139. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 acted intentionally, and/or with disregard of a substantial probability that their conduct would cause Plaintiff severe emotional distress. In particular, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 failed to investigate and prevent sexual abuse of the Plaintiff by Defendant R.M. The sexual abuse by Defendant R.M. would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

140. As a direct and proximate cause of the actions and/or inactions, which included but were not limited to the intentional and/or negligent and/or grossly negligent conduct, of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

141. The conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

142. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in

the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION**  
**Aiding and Abetting Commission of Tort of Assault**  
**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill**  
**Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR**  
**Board of Trustees and Richard Roe 1-10)**

143. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

144. Defendant R.M. committed the tort of assault against Plaintiff, as described below. Defendant R.M.'s conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

145. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 knew and/or ought to have known of the commission of the tort of assault by Defendant R.M. against Plaintiff.

146. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, in failing to investigate Plaintiff's repeated complaints of sexual abuse by R.M. and failing to take steps to prevent repetition of the sexual abuse, substantially assisted Defendant R.M. in committing the tort of assault against Plaintiff.

147. As a direct and proximate cause of the conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, Plaintiff

suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

148. The conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

149. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

#### **NINTH CAUSE OF ACTION**

##### **Aiding and Abetting Commission of Tort of Battery**

**(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10)**

150. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

151. Defendant R.M. committed the tort of battery against Plaintiff, as described below. Defendant R.M.'s conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

152. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of



Trustees and Richard Roe 1-10 knew and/or ought to have known of the commission of the tort of battery by Defendant R.M. against Plaintiff.

153. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, in failing to investigate Plaintiff's repeated complaints of sexual abuse by R.M. and failing to take steps to prevent repetition of the sexual abuse, substantially assisted Defendant R.M. in committing the tort of battery against Plaintiff.

154. As a direct and proximate cause of the conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

155. The conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

156. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**TENTH CAUSE OF ACTION****Aiding and Abetting Commission of Tort of Intentional Infliction of Emotional Distress  
(Against Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill  
Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR  
Board of Trustees and Richard Roe 1-10)**

157. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

158. Defendant R.M. committed the tort of intentional infliction of emotional distress against Plaintiff, as described below. Defendant R.M.'s conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

159. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 knew and/or ought to have known of the commission of the tort of intentional infliction of emotional distress by Defendant R.M. against Plaintiff.

160. Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, in failing to investigate Plaintiff's repeated complaints of sexual abuse by R.M. and failing to take steps to prevent repetition of the sexual abuse, substantially assisted Defendant R.M. in committing the tort of intentional infliction of emotional distress against Plaintiff.

161. As a direct and proximate cause of the conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10, Plaintiff

suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

162. The conduct of Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

163. By reason of the foregoing, Defendants THCR, Timothy Hill Farm LLC, Apple Day Camp, Inc., Timothy Hill Christian Camp, Inc., Jerrell, Fern, Rusty, Judy, Thomas Kelso, Patricia Kelso, THCR Board of Trustees and Richard Roe 1-10 are jointly, severally and/or in the alternative liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**ELEVENTH CAUSE OF ACTION**  
**Assault**  
**(Against Defendant Jerrell)**

164. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

165. The conduct of Defendant Jerrell towards Plaintiff during the car ride, as described above, was intended to cause Plaintiff to apprehend harmful and/or offensive contact with Plaintiff's body.

166. The conduct of Defendant Jerrell towards Plaintiff, as described above, in fact caused Plaintiff to apprehend harmful and/or offensive contact with Plaintiff's body.

167. Defendant Jerrell's conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

168. As a direct and proximate cause of Defendant Jerrell's intentional conduct, Plaintiff suffered the injuries and damages described herein; including but not limited to mental and emotional distress.

169. Defendant Jerrell's conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

170. By reason of the foregoing, Defendant Jerrell is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**TWELFTH CAUSE OF ACTION**  
**Battery**  
**(Against Defendant Jerrell)**

171. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

172. Defendant Jerrell intentionally inappropriately touched Plaintiff during a car ride as described above.

173. As a direct and proximate cause of Defendant Jerrell's intentional conduct, Plaintiff suffered the injuries and damages described herein; including but not limited to mental and emotional distress.

174. Defendant Jerrell's conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

175. Defendant Jerrell's conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

176. By reason of the foregoing, Defendant Jerrell is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**THIRTEENTH CAUSE OF ACTION  
Intentional Infliction of Emotional Distress  
(Against Defendant Jerrell)**

177. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

178. As described above, the inappropriate touching of Plaintiff by Defendant Jerrell, during a car ride as described above, was extreme and outrageous.

179. Defendant Jerrell acted intentionally, and/or with disregard of a substantial probability that his conduct would cause Plaintiff severe emotional distress.

180. Defendant Jerrell's conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

181. As a direct and proximate cause of Defendant Jerrell's intentional conduct, Plaintiff suffered the injuries and damages described herein; including but not limited to mental and emotional distress.

182. Defendant Jerrell's conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages. By reason of the foregoing, Defendant Jerrell is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**FOURTEENTH CAUSE OF ACTION**  
**Prima Facie Tort**  
**(Against Defendant Jerrell)**

183. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

184. If Defendant Jerrell's conduct towards the Plaintiff was lawful, the conduct of Defendant Jerrell in relation to Plaintiff regardless was solely motivated by malice or "disinterested malevolence".

185. Defendant Jerrell had no excuse or justification for the above-described acts against Plaintiff.

186. Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

187. Defendant Jerrell's conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

188. By reason of the foregoing, Defendant Jerrell is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**FIFTEENTH CAUSE OF ACTION**  
**Intentional Infliction of Emotional Distress**  
**(Against Defendant R.M.)**

189. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

190. As described above, the actions of Defendant R.M in relation to Plaintiff were extreme and outrageous.

191. Defendant R.M. acted intentionally, and/or with disregard of a substantial probability that his conduct would cause Plaintiff severe emotional distress.

192. R.M.'s conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

193. As a direct and proximate cause of Defendant R.M.'s intentional conduct, Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

194. Defendant R.M.'s conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

195. By reason of the foregoing, Defendant R.M. is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

### **SIXTEENTH CAUSE OF ACTION**

#### **Assault**

#### **(Against Defendant R.M.)**

196. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

197. The conduct of Defendant R.M. towards Plaintiff, as described above, was intended to cause Plaintiff to apprehend harmful and/or offensive contact with Plaintiff's body.

198. The conduct of Defendant R.M. towards Plaintiff, as described above, in fact caused Plaintiff to apprehend harmful and/or offensive contact with Plaintiff's body.

199. As a direct and proximate cause of Defendant R.M.'s intentional conduct, Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

200. Defendant R.M.'s conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

201. Defendant R.M.'s conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

202. By reason of the foregoing, Defendant R.M. is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**SEVENTEENTH CAUSE OF ACTION**  
**Battery**  
**(Against Defendant R.M.)**

203. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

204. Defendant R.M. intentionally sexually abused Plaintiff, as described above, including repeatedly squeezing Plaintiff's testicles and placing his penis into Plaintiff's mouth while Plaintiff was asleep.

205. Defendant R.M.'s conduct towards Plaintiff was conduct which would constitute a sexual offense as defined in Article one hundred thirty of the Penal Law.

206. As a direct and proximate cause of Defendant R.M.'s intentional conduct, Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

207. Defendant R.M.'s conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.



208. By reason of the foregoing, Defendant R.M. is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**EIGHTEENTH CAUSE OF ACTION  
Prima Facie Tort  
(Against Defendant R.M.)**

209. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 89 as if fully set forth herein.

210. If Defendant R.M.'s conduct towards the Plaintiff was lawful, the conduct of Defendant R.M. in relation to Plaintiff regardless was solely motivated by malice or "disinterested malevolence".

211. Defendant R.M. had no excuse or justification for the above-described acts against Plaintiff.

212. Plaintiff suffered the severe injuries and damages described herein; including but not limited to mental and emotional distress.

213. Defendant R.M.'s conduct was so malicious, willful and wanton, and/or involved a reckless or conscious disregard of the health and safety of Plaintiff, so as to give rise to punitive damages.

214. By reason of the foregoing, Defendant R.M. is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

**AD DAMNUM CLAUSE**

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York  
November 6, 2019

Respectfully submitted,

**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP**



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*Attorneys for Plaintiff*

ATTORNEY'S VERIFICATION

State of New York     )  
                                      ) ss  
County of Suffolk     )

I, REGINA M. CALCATERRA, the undersigned, an attorney duly admitted to practice law in the New York State, hereby state and affirm, under penalty of perjury, that I am one of the attorneys for Plaintiffs in the above-entitled action.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to those matters stated therein to be alleged on information and belief, and as to those matters I believe them to be true.

The ground of my believe as to all matters not stated upon my own knowledge are based upon my reasonable belief in those matters, numerous communications with my clients, the materials and documents in my file, and the investigations conducted by my office.

The reason I make this affirmation instead of the plaintiff is because said plaintiff resides outside New York County, the County where I maintain my office for the practice of law.

Dated: New York, NY  
November 6, 2019

  
REGINA M. CALCATERRA  
*Attorney*